

FORM PTO-1390  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

INVENTOR'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

Bayer 10197-CAO

U.S. APPLICATION NO. (if known, see 37 CFR 1.51)

09/402737

INTERNATIONAL APPLICATION NO.  
PCT/EP98/01926INTERNATIONAL FILING DATE  
2.April 1998 (02.04.98)PRIORITY DATE CLAIMED  
15.April 1997 (15.04.97)

TITLE OF INVENTION

ANALGESIC COMBINATION

APPLICANT(S) FOR DO/EO/US

Dieter NEUSER; Monika FIERUS; Wolfgang WIEHL

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:
  - a) Appendix
  - b) Copies of:
    - WO 98/46235 (World Publication)<sup>1</sup> in German with English Abstract
    - PCT/ISA/210 (International Search Report) - in English and German
    - PCT/IPEA/409 (International Preliminary Examination Report) - in German
    - PCT/RO/101 (PCT Request) - in German

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

09/402737

INTERNATIONAL APPLICATION NO.

PCT/EP98/01926

ATTORNEY'S DOCKET NUMBER

Bayer 10197-CAO

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$970.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$840.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$760.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$670.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$96.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 840.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 0

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	4 - 20 =	0	X \$18.00
Independent claims	1 - 3 =	0	X \$78.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$260.00

\$ 0

\$ 0

\$ 0

**TOTAL OF ABOVE CALCULATIONS =**

\$ 840.00

Reduction of 1/2 for filing by small entity, if applicable. A Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28).

\$ 0

**SUBTOTAL =**

\$ 840.00

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$ 0

**TOTAL NATIONAL FEE =**

\$ 840.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$ 0

**TOTAL FEES ENCLOSED =**

\$ 0

Amount to be:  
refunded

\$

charged

\$ 840.00

- a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 02-1445 in the amount of \$ 840.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-1445. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Carmella A. O'Gorman, Esq.  
Sprung Kramer Schaefer & Briscoe  
660 White Plains Road  
Tarrytown, NY 10591-5144  
914-332-1700

*Carmella A. O'Gorman*

SIGNATURE:

Carmella A. O'Gorman

NAME

33,749

REGISTRATION NUMBER

09/402737

APPENDIX 420 Rec'd PCT/PTO 08 OCT 1999

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**LIST OF INVENTORS:**

Dieter NEUSER  
Monika FIERUS  
Wolfgang WIEHL

**"Express Mail" Mailing Label No. EL457085931US**  
Date of Deposit: October 8, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

SPRUNG KRAMER SCHAEFER & BRISCOE

By: *Henevieve Hutchison*